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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC. ET AL,

No. C05-03117 MJJ

Plaintiff,

**ORDER RE: DISPUTE OVER ROCHE'S
NON-RETAINED EXPERT WITNESSES**

v.

ROCHE DIAGNOSTICS CORPORATION ET
AL,

Defendant.

/

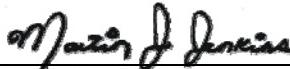
Before the Court is the parties' dispute regarding Roche's non-retained expert witnesses identified in the parties' Supplemental Case Management Statement. (Docket No. 508.) Having considered the parties' written arguments, the Court **ORDERS** as follows:

(1) The Court will not require the two non-retained expert witnesses to provide Rule 26 written expert reports. However, no later than Wednesday, October 31, 2007, Roche shall provide to Abbott, by letter, a summary of the opinions that these two witnesses are expected to testify to at trial.

(2) Abbott is granted leave to reopen the depositions of, and conduct further questioning of, the two non-retained expert witnesses. Such depositions shall be limited to a half-day each. To the extent that these depositions are needed for the parties to fully brief the dispositive motions that will be heard on December 12, 2007 by the Court, Abbott is granted leave to depose these two Roche witnesses during the moratorium period on depositions agreed to by the parties.. The parties shall meet-and-confer in good faith regarding the scheduling of these depositions.

IT IS SO ORDERED.

Dated: October 25, 2007



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE